

ELEVENTH DAY

(Thursday, January 30, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Martin:

S. B. No. 88, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Lake Worth and Eagle Mountain Lake, or either of them; providing for deposit of funds from the sale of such licenses and of any funds collected as fees or penalties for violations of this Act in the Lake Worth-Eagle Mountain Lake Fund; providing the uses of such fund and regulations controlling same; providing for the appointment of a Lake Worth-Eagle Mountain Lake Advisory Board and prescribing the manner of its appointment and its duties; providing a penalty for violation of any provision of this Act; repealing all laws, in so far as they conflict with

this Act; providing a saving clause; and declaring an emergency."

To Committee on Game and Fish.

By Senator Winfield:

S. B. No. 89, A bill to be entitled "An Act amending Senate Bill No. 161 of the Forty-sixth Legislature, Acts 1939, Special Laws, page 723, so as to exempt certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2763, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 90, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as Camp Wolters at or near Mineral Wells, Palo Pinto County, Texas, now owned by the State of Texas, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable, and for other purposes."

To Committee on Military Affairs.

By Senator Spears:

S. B. No. 91, A bill to be entitled "An Act to declare and recognize for all tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, instrumentalities and agencies of the United States and for other purposes."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 92, A bill to be entitled "An Act vesting the Supreme Court with the power to make amendments or changes in the rules of practice and procedure in civil actions prior to July 1, 1941, such changes to be effective September 1, 1941; providing for notice of any such amendment or changes; providing that this Act shall not repeal other powers of the Court to make rules of procedure; repealing laws in conflict herewith to the extent of such conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Sulak:

S. B. No. 93, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 135, Acts 1939, Forty-sixth Legislature, Chapter 6, so as to except therefrom associations not operated for profit, composed only of the members of a particular religious denomination which do not provide insurance benefits in excess of One Thousand (\$1,000) Dollars on any one person and do not pay any officer of the association a salary in excess of One Hundred (\$100.00) Dollars per month."

To Committee on Insurance.

By Senator Shivers:

S. B. No. 94, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a legal rate for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4204, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes, of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506, repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency."

To Committee on State Affairs.

By Senator Van Zandt:

S. B. No. 95, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to financing the construction of county lateral roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties, and obligations of said board; allocating revenue obtained from the occupation tax on the business of selling gasoline; creating a County and Road District Highway Fund and a Lateral

Road Account, designating the money to be placed in said funds, and prescribing the manner and purposes for which such funds shall be expended; authorizing the payment out of the County and Road District Highway Fund of certain bonds and warrants issued by the counties where the proceeds of such bonds and warrants were used in the construction of roads comprising the State System of Highways; providing for the allocation of funds credited to the Lateral Road Account, to the several counties; authorizing the Commissioner's Courts of the various counties of Texas to refund that part, parcel or portion of eligible bonds which the counties are required to pay; prescribing the duties of Commissioners' Courts in expending Lateral Road Funds; providing for the disposition of sinking funds on county bonds issued to build State designated highways; making an appropriation for the next biennium of monies coming into the County and Road District Highway Fund; providing for the handling of County Sinking Funds accumulated from the payment of certain road bonds and warrants; providing for the payment of certain Navigation District Bonds; making it a felony for any County Judge or County Commissioner to expend money coming from the Lateral Road Account contrary to the provisions of this Act and prescribing a penalty; fixing venue therefor; providing that if any section of this Act is unconstitutional, other portions of this Act shall not be affected thereby; and declaring an emergency."

To Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 96, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, removing limits prescribed by said section of said Act as to the number of acres which may be owned by certain cities and towns for airport purposes; and declaring an emergency."

To Committee on Towns and City Corporations.

Consideration of Senate Bill 92

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 92 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Consideration of Senate Bill 4

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 4 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—26

Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lovelady	Winfield
Martin	York

Nays—3

Aikin	Weinert
Beck	

Absent

Lemens	Ramsey
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Consideration of Senate Bill 91

Senator Spears moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee of S. B. No. 91 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Message from the House

The Assistant Reading Clerk of the House was announced by the Doorkeeper, and was recognized by the President, to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. C. R. No. 3, In memory of Honorable Charles Mape Cureton.

S. C. R. No. 5, Requesting the Federal Government to give material financial assistance to school districts near defense training centers.

S. C. R. No. 6, Authorizing the lending by the State Highway Department of guard wire to the City of Vernon.

S. C. R. No. 7, Authorizing the lending by the State Highway Department of guard wire to Iowa Park Independent School District.

H. C. R. No. 21, In memory of Eli T. Merriman.

H. C. R. No. 22, In memory of General W. E. Jackson of Hillsboro, Texas.

H. C. R. No. 23, Instructing the Committees on Rules of the two Houses to meet in Joint Session to draft Proposed Permanent Joint Rules of Forty-seventh Legislature.

H. C. R. No. 24, Providing for appointment of a Committee to investigate the securing of an additional State building.

H. C. R. No. 26, Designating the 19th day of February as Texas Statehood day.

H. C. R. No. 28, Authorizing House and/or Senate to adjourn from January 30, 1941, to February 3, 1941.

H. B. No. 45, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal Service, and to provide for the organization, maintenance, training and discipline thereof; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

In Memory of General W. E. Jackson

(House Concurrent Resolution 22)

The President laid before the Senate:

H. C. R. No. 22, In memory of General W. E. Jackson of Hillsboro, Texas.

The resolution was read and was adopted unanimously.

Motion to Reconsider Vote on Senate Bill 19

Senator Graves moved to reconsider the vote by which S. B. No. 19 was passed on yesterday, and asked to have the motion to reconsider spread upon the Journal.

Senate Concurrent Resolution 9

Senator Mauritz offered the following resolution:

S. C. R. No. 9, Authorizing the lending by the State Highway Department of guard wire to schools of Jackson and other counties.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Jackson and other adjacent counties; and

Whereas, Many rural schools and their recreation grounds are situated along and border on highways where the traffic is a hazard to the children of these schools; and

Whereas, Some of this discarded wire could be used to build a safeguard against this hazard to the children; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That

the State Highway Department of Texas be authorized to loan to the above mentioned schools sufficient quantities of the discarded wire herein above mentioned to enable them to provide the needed safeguard; the said wire to be returned to the State Highway Department if and when requested.

The resolution was read and was referred to the Committee on Public Buildings and Grounds.

Senator Mauritz moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. C. R. No. 9 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Senate Concurrent Resolution 10

Senator Hazlewood offered the following resolution:

S. C. R. No. 10, Relating to importation of livestock and meat products from countries where foot and mouth disease is prevalent.

Whereas, The raising of livestock constitutes one of the principal industries of this State, upon which industry a large percentage of the population of Texas depends for its livelihood; and

Whereas, The protection of this basic industry is one of the fundamental duties of governments, both state and national; and

Whereas, The importation of foreign produced meat and livestock from countries in which the foot and mouth disease is prevalent among the livestock of such foreign countries constitutes a grave danger to the welfare of the livestock industry and to the

health and prosperity of the citizenship of this State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Congress of the United States be and it is hereby urgently memorialized and requested to take all necessary and proper steps to prevent the importation into the United States any livestock or meat products from any and all countries in which the foot and mouth disease is prevalent among the livestock of such country or countries; and

Be It Further Resolved, That the Secretary of the Senate be, and he is hereby, directed to forward a copy of this resolution to the Secretary of State of the United States, and to forward copies to each member of the United States Congress from the State of Texas.

The resolution was read.

Senator Hazlewood moved that Section 5 of Article 3 of the Constitution be suspended, to allow immediate consideration by the Senate of S. C. R. No. 10.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The resolution then was adopted.

House Concurrent Resolution 28

The President laid before the Senate:

H. C. R. No. 28, Authorizing the House and/or Senate to adjourn from Thursday, January 30, 1941, to Monday, February 3, 1941.

The resolution was read and was adopted.

In Memory of Honorable Eli T. Merriman

(House Concurrent Resolution 21)

The President laid before the Senate:

H. C. R. No. 21, In memory of Hon. Eli. T. Merriman of Corpus Christi, Texas.

The resolution was read.

On motion of Senator Kelley, the resolution was considered immediately.

The resolution was unanimously adopted.

House Concurrent Resolution 23

The President laid before the Senate and had read:

H. C. R. No. 23, Relating to drafting of permanent joint rules for the Senate and House.

The resolution was adopted.

House Concurrent Resolution 26

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 26, Designating the 19th day of February as Texas Statehood Day.

Whereas, The 19th day of February, 1941, will be the 95th anniversary of the voluntary surrender of its national sovereignty by the Republic of Texas to that of the United States of America, an Act previously authorized by the official approval of the two respective governments and by the votes of the people of Texas, unique and without precedent in world history; and

Whereas, On that date in the year 1846, in the presence of Representatives and Senators seated on the gallery east of the Capitol building in Austin, with hundreds of other citizens in attendance, Anson Jones—the last President of the Republic—read his valedictory, declaring “The first act in the great drama is now performed. The Republic of Texas is no more”; to which message the incoming Governor J. Pinckney Henderson then replied: “We have this day fully entered the Union of the North American States—let us give our friends who so boldly and nobly advocated our cause and the friends of American Liberty, no reason to regret their efforts in our behalf”; and

Whereas, When the final sentence fell from the lips of the first Governor, in a solemn hush of stifled emotions of sadness and joy the beloved Lone Star flag of Texas was furled and lowered from the southern gable of the Capitol and while the boom of artillery sounded the annexation of Texas as the twenty-eighth state to enter the American Union, the glorious banner of George Washington, Thomas Jefferson and Andrew Jackson was officially raised for the first time under Texas skies and the Stars and Stripes became the National flag of Texas; and

Whereas, The incidents and events here culminating on that sacred occasion changed the course of American History ultimately leading to the westward extension of our national boundaries from Texas to the Pacific Ocean; now, therefore, be it

Resolved by the Forty-seventh Legislature of the State of Texas, the House and Senate concurring, That the 19th day of February should be and the same is hereby officially designated as Texas Statehood Day; and

Be It Further Resolved, That the Governor be respectfully requested to issue a proclamation each year to the people of Texas, calling to their attention their twice-glorious heritage which has been bequeathed to them, bathed in the tears and bought with the blood of liberty-loving, God-fearing, courageous pioneers; urging them to be ever mindful that in peace as well as in war the price of liberty is eternal vigilance; and to rededicate themselves unselfishly to their State and Nation keeping alive those patriotic sentiments and noble ideals that are inspired and fostered by an understanding and appreciation of the privileges and responsibilities of citizenship in the greatest nation of all time—a democracy where all men are free and equal.

Signed —J Carrington, Stanford, Hoyo, Duckett, Donald, Roark, Hughes, Spacek, King, McMurry, Hutchinson, Deen, Weatherford, Bullock, Miss Files, Isaacks, Garland, Stinson, Blankenship, Huddleston, Cleveland, Dwyer, Bundy, Mills, Anderson, Bridges, Whitesides, Kelly, Helpinstill, Hargis, Skiles, Wattner, Parker, Morgan, Simpson, Turner, Bean, Phillips, Price, Love, Daniel, Morse, Stubbs, Dove, Winfree and Manford.

The resolution was read and was referred to the Committee on State Affairs.

Report of Standing Committee

Senator Brownlee, by unanimous consent, submitted the following report:

Austin, Texas,
January 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

Senate Concurrent Resolution No. 4.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Concurrent Resolution 4

On motion of Senator Lovelady, and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. C. R. No. 4 at this time.

The President then laid before the Senate the following resolution:

S. C. R. No. 4, Relating to Federal aid for construction of military highways.

Resolved by the Senate, the House of Representatives concurring, That the action of the Texas Highway Commission in tendering its engineering facilities to the National Government and in preparing the plans and specifications for military access roads be approved.

Be It Further Resolved, That the action of the Highway Commission in its statement of policy with reference to the use of State funds to match federal aid on the strategic military network be approved, the Legislature of Texas recognizing the dire emergency facing the Nation; and

Be It Further Resolved, That the Congress of the United States be respectfully requested to give careful and deliberate consideration to the need for emergency appropriations to speed the construction of roads on the strategic military network, said funds to be appropriated from the excess in the amount of taxes collected by the Federal Government from road users over and above the amount of

federal highway aid now being returned to the states; and

Be It Further Resolved, That the Congress be respectfully requested to make such appropriations as may be necessary from emergency national defense funds for the construction of roads designed for the exclusive use of the military forces; and

Be It Further Resolved, That copies of this resolution be sent to the President of the United States and to the members of the Texas Congressional delegation.

Senator Lovelady offered the following amendment to the resolution:

Amend S. C. R. No. 4 by striking out the following wherever it appears: "The House of the Texas Legislature, the Senate concurring," and insert the following: "The Senate of Texas, the House of Representatives concurring."

The amendment was adopted.

The resolution as amended was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 29, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session, etc.; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Signing of Resolution

The President signed H. C. R. No. 28 in the presence of the Senate.

Report of Standing Committee

Senator Martin, by unanimous consent, submitted the following report:

Austin, Texas,
January 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands, to whom was referred

S. B. No. 50, A bill to be entitled "An Act providing for the granting and issuance of easements or surface leases to the United States of America by the School Land Board on any island, salt water lake, bay, inlet, or marsh within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for any purpose essential for the national defense; retaining for the State of Texas all oil and gas and other mineral rights in and under such areas, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COTTEN, Chairman.

Printing of Senate Bill 50

On motion of Senator Martin, and by unanimous consent, it was ordered that S. B. No. 50 be printed at once.

Consideration of Senate Bills 23 and 34

Senator Lemens moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee of Senate Bills Nos. 23 and 34 during the first thirty days of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Chadick	Lanning
Fain	Lemens
Formby	Lovelady
Graves	Martin
Hazlewood	Mauritz

Metcalf	Stone
Moffett	Sulak
Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Spears	York

Nays—1

Cotten

Advance Printing of Senate Bills 23 and 34

On motion of Senator Lemens and by unanimous consent, it was ordered that Senate Bills Nos. 23 and 34 be printed in advance of their consideration in committee.

House Bill on First Reading

H. B. No. 45, previously received from the House, was laid before the Senate, read first time and referred to the Committee on Military Affairs.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 39, A bill to be entitled "An Act amending Section 5 of Senate Bill No. 175 passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 15, page 285, of the General Laws passed at said Regular Session of the Forty-sixth Legislature, so that Section 5 of said Senate Bill No. 175 shall hereafter read as follows: 'No bonds authorized to be issued or executed under this Act shall be issued or executed after the expiration of four (4) years after the effective date of this Act,'; and declaring an emergency."

S. B. No. 41, A bill to be entitled "An Act amending Section 2a of Senate Bill No. 297 passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 13, page 282, of the General Laws passed at said Regular Session of the Forty-sixth Legislature, relating to assignments of salaries of teachers and

school employees; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Appointment of Special Committee

Pursuant to H. C. R. No. 19, the President announced the appointment of the following committee on the part of the Senate to receive and escort General Paul B. Malone: Senators Lemens, Brownlee, Aikin, Graves, Beck and Vick.

Messages from the Governor

Mrs. Margaret McDuffie, Assistant Secretary to the Governor, was announced by the Doorkeeper and was recognized by the President to present the following messages:

Austin, Texas,
January 30, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Livestock Sanitary Commission to fill the unexpired term of R. H. Martin, deceased, term to expire May 4, 1941:

J. Evetts Haley of Houston, Harris County, Texas.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
January 30, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Adjutant General of the State of Texas for a term concurrent with my own:

J. Watt Page of Fort Worth, Tarrant County.

To be a Member of the Board of Pardons and Paroles, for a six year term to expire February 1, 1947:

Elster M. Haile of Hereford, Deaf Smith County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The messages were read and were referred to the Committee on Nominations of the Governor.

Senate Bill 72 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 72 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 72, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of the voters in such district, and providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation or where suit or litigation is filed with reference thereto within forty-five (45) days after the effective date of this Act; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and Acts of said Boards of Trustees; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any Act, or Acts of said districts, or by any Act of the Legislature; making certain exemptions; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following committee amendments to the bill:

(1)

Amend Senate Bill No. 72, Section 3, by striking the following words: "filed within forty-five (45) days after

the effective date of this Act" and substituting in lieu thereof the following: "pending in any court of competent jurisdiction which has been filed heretofore or within twenty (20) days after the effective date of this Act" and by amending the caption to conform hereto.

(2)

Amend the caption of the bill to conform to the body of the bill.

The amendments were adopted.

The bill was passed to third reading.

Senate Bill 72 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Senate Bill 14 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 14 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 14, A bill to be entitled "An Act to amend Article 4006, of the Revised Civil Statutes of 1925, as amended by S. B. No. 269, page 334, Acts of 1989, Regular Session, Forty-sixth Legislature, so as to permit members of families of furloughed, pensioned, and superannuated employees to accept free passes on carriers, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

The bill was read second time.

Senator Graves offered the following committee amendments to the bill:

(1)

Amend Senate Bill No. 14 by adding the following at the bottom of page one, after the word "families":

"the widows of deceased former superannuated and/or pensioned employees;"

(2)

Amend the caption of Senate Bill No. 14 to conform with the body of the bill.

The amendments were severally adopted.

Senator Graves offered the following amendment to the bill:

Amend Senate Bill No. 14, lines 14 and 15, by striking out the words "his two chief deputies" in line 2, and inserting the following words in lieu thereof: "the Executive Secretary and two Assistants."

The amendment was adopted.

Senator Graves offered the following amendment to the bill:

Amend Senate Bill No. 14, line 7, page 3, between the word "deputies" and "chiefs," by adding the following:

"Constable and no more than two (2) of their deputies."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 14, by adding the following on line 35, page 1, of the printed bill, between the words "killed" and "in": the words, "or who may have died."

The amendment was adopted.

The bill then was passed to engrossment.

Senate Bill 14 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Report of Standing Committee

Senator Mauritz, by unanimous consent, submitted the following report:

Austin, Texas,
January 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. C. R. No. 9, Authorizing the lending by the State Highway Department of guard wire to schools of Jackson and other counties.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senate Bill 75 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 75 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 75, A bill to be entitled "An Act to validate the organization and creation of all Junior College Districts and Union Junior College Districts, created in any manner under the provision of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and under any amendments thereof; validating all proceedings and acts of the County Boards of Education, all acts of the State Board of Education, and all acts of the Commissioners Courts of this State heretofore taken in creating or undertaking to create such Junior College Districts; validating all elections held for the creation of such Junior College Districts, the election of trustees thereof, and the voting of bonds therefor; validating all proceedings and acts of boards of trustees of such Junior College Districts heretofore taken; validating all bonds voted, authorized, or sold, or now outstanding of such Junior College Districts and all bonds heretofore voted, but not yet issued; providing for the election of a board of trustees for such Junior College Districts, and providing certain powers and duties of such trustees; providing for the fee to be charged such Junior College

Districts by the County Tax Assessor and Collector when such officer shall be designated to assess and collect the taxes for such districts; repealing all laws in conflict herewith; providing a saving clause; providing this law shall not apply to any district or any bonds now in litigation; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 75 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

House Concurrent Resolution 24

The President laid before the Senate:

H. C. R. No. 24, Relating to purchase of certain building for use as a State office building.

The resolution was read and was referred to the Committee on Public Buildings and Grounds.

Senate Concurrent Resolution 9

On motion of Senator Mauritz and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. C. R. No. 9 at this time.

The President laid before the Senate:

S. C. R. No. 9, Authorizing State Highway Department to lend certain discarded wire to schools of Jackson and other counties.

The resolution was read and was adopted.

Adjournment

On motion of Senator Shivers, the Senate, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, February 3, 1941.

TWELFTH DAY

(Monday, February 3, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 30, 1941 was dispensed with, and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business on motion of Senator Graves.

Senator Cotten was granted leave of absence for today on account of illness on motion of Senator Van Zandt.

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Shivers.

Communication from State Auditor

The President laid before the Senate and had read the following communication:

State Capitol,
Austin, Texas,
January 31, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Dear Sir:

I have received from the Secretary of the Senate a copy of Senate Resolution No. 16, passed January 23, 1941.

I shall be glad to comply with the request in the resolution and I wish to express to you, and to each member of the State Senate through you, my desire to be of every assistance possible in the conduct of our duties to the citizens of our State.

Sincerely yours,

TOM C. KING,
State Auditor.

Report of Standing Committee

Senator Metcalfe submitted the following reports:

Austin, Texas,
February 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

H. B. No. 45, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active federal service; and to provide for the organization,